

# Exhibit 2

**JONATHAN WAYNE BOTTEN, SR., ET AL vs STATE OF CALIFORNIA, ET AL**  
**Isaiah Kee on 11/05/2024**

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3

4 JONATHAN WAYNE BOTTEN, SR.; TANJA )  
DUDEK-BOTTEN; ANNABELLE BOTTEN; and )  
5 J.B., a minor by and through his )  
guardian JONATHAN WAYNE BOTTEN, SR., )

6 )

7 Plaintiffs, )

8 )

9 vs. ) Case No.

10 ) 5:23-CV-00257-JGB-SHK

11 STATE OF CALIFORNIA; COUNTY OF SAN )

12 BERNARDINO; ISAIAH KEE; MICHAEL )

13 BLACKWOOD; BERNARDO RUBALCAVA; ROBERT )

14 VACCARI; JAKE ADAMS; and DOES 1-10, )

15 inclusive, )

16 )

17 Defendants. )

18 )

19

20

21

22 REMOTE VIDEOCONFERENCE DEPOSITION OF

23 ISAIAH KEE

24 TUESDAY, NOVEMBER 5, 2024

25

26

27

28

29 Reported Stenographically By:

30 Jinna Grace Kim, CSR No. 14151

31 Job No.: 113704

**JONATHAN WAYNE BOTTEN, SR., ET AL vs STATE OF CALIFORNIA, ET AL**  
**Isaiah Kee on 11/05/2024**

Page 54

1 A. Yes.

2 Q. And you described in your interview two separate  
3 volley of shots; is that fair?

4 A. Yes.

5 Q. And how much time do you think passed between your  
6 first volley where you were near the light pole and your  
7 second volley after you retreated, went down into the prone  
8 position and started firing?

9 A. Maybe about five to eight seconds, I guess.

10 Q. How far would you estimate Mr. Puga was from you  
11 when you fired your second volley of shots?

12 A. Close to maybe 50 to 60 feet in that second.

13 MR. GALIPO: Could we put up Page 50 of the  
14 interview, please, Hang, Bates stamp I think ends in 700.

15 BY MR. GALIPO:

16 Q. Do you have training with respect to considering the  
17 background or backdrop when you're firing?

18 A. Yes.

19 Q. And is part of that training to be careful because  
20 obviously, if there is residences or businesses in the  
21 background, then innocent people could get shot?

22 A. Yes.

23 Q. And that's a factor you're trained that should be  
24 taken into consideration?

25 A. Yes.

**JONATHAN WAYNE BOTTEN, SR., ET AL vs STATE OF CALIFORNIA, ET AL**  
**Isaiah Kee on 11/05/2024**

Page 55

1 Q. And there is a question on Line 20 of Page 50 by  
2 Abernathy, that says, "Okay. Do you remember what was behind  
3 the suspect when you fired during both volleys."

4 Do you see that?

5 A. Yes.

6 Q. And did you understand that he was asking you about  
7 the backdrop or the background?

8 A. Yes.

9 Q. So your response if you could read it just to  
10 yourself for a moment and let me know when you've had a  
11 chance to do that.

12 A. Yes, I'm done.

13 Q. Okay. As part of your response, you said, "And of  
14 course I could see you know residences on both sides."

15 Do you see that?

16 A. Yes.

17 Q. And that's something obviously you saw prior to the  
18 shooting when you were out there for 30-plus minutes?

19 A. Yes.

20 Q. And then going to Page 51, I think this is when they  
21 were asking you about the rounds. You could see on Lines 9  
22 and 10, they're saying you remembered firing about 12  
23 rounds."

24 And you respond, "A total, yes."

25 Do you see that?

**JONATHAN WAYNE BOTTEN, SR., ET AL vs STATE OF CALIFORNIA, ET AL**  
**Isaiah Kee on 11/05/2024**

Page 96

1 CERTIFICATE

2 OF

3 CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

4

5 I, JINNA GRACE KIM, CSR No. 14151, a Certified  
6 Stenographic Shorthand Reporter of the State of California,  
7 do hereby certify:

8 That the foregoing proceedings were taken before me  
9 at the time and place herein set forth;

10 That any witnesses in the foregoing proceedings,  
11 prior to testifying, were placed under oath;

12 That a verbatim record of the proceedings was made  
13 by me, using machine shorthand, which was thereafter  
14 transcribed under my direction;

15 Further, that the foregoing is an accurate  
16 transcription thereof.

17 I further certify that I am neither financially  
18 interested in the action, nor a relative or employee of any  
19 attorney of any of the parties.

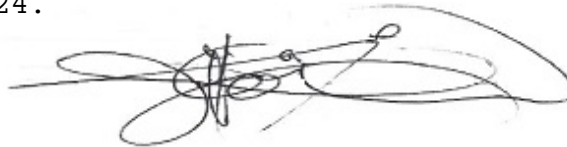
20

21 IN WITNESS WHEREOF, I have subscribed my name, this  
22 date: November 5, 2024.

23

24

25



Jinna Grace Kim, CSR No. 14151